

OPTIS.089A



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : James R. Braig, et al. )  
App. No. : 10/825,072 )  
Filed : April 15, 2004 )  
For : SAMPLE ELEMENT FOR USE IN )  
MATERIAL ANALYSIS )  
Examiner : Unknown )

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**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this

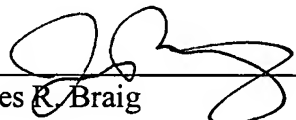
**App. No.** : 10/825,072  
**Filed** : April 15, 2004

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

OptiScan Biomedical Corporation

Dated: 10-18-04

By:   
James R. Braig

Title: Chief Technical Officer

Address: 1105 Atlantic Avenue, Suite 101,  
Alameda, CA 94501

H:\DOCS\MJK\MJK-7605.DOC:ip/080904

# ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Alameda

SS.

On Oct. 19, 2004

(DATE)

before me, Jennifer Villavert Le

(NOTARY)

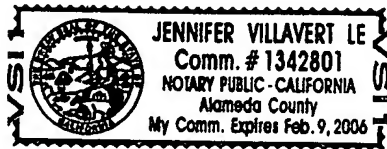
personally appeared James R. Braig

SIGNER(S)

☒ personally known to me

- OR -

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jennifer Villavert Le

NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

☐ INDIVIDUAL  
☒ CORPORATE OFFICER  
CTO

TITLE(S)

☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

### DESCRIPTION OF ATTACHED DOCUMENT

Est. of Right of Assignee To Take Action...

TITLE OR TYPE OF DOCUMENT

2

NUMBER OF PAGES

April 15, 2004

DATE OF DOCUMENT

OPTIS 089A

OTHER

### SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

OPTISCAN BIOMEDICAL CORP.

### RIGHT THUMBPRINT

OF  
SIGNER

Top of thumbprint here

ASSIGNMENT

WHEREAS, We, James R. Braig, a U.S. citizen, residing at 280 Mountain Avenue, Piedmont, CA 94611, Bernhard B. Sterling, a U.S. citizen, residing at 882 El Pintado Road, Danville, CA 94086; Peter Rule, a U.S. citizen, residing at 24183 Hillview Road, Los Altos Hills, CA 94024; Philip C. Hartstein, a U.S. citizen, residing at 171 Bryant St. Apt. G, Palo Alto, California 94301, and Ken I. Li, a U.S. citizen, residing at 53 Calvert Court, Piedmont, CA 94611, have invented certain new and useful improvements in a SAMPLE ELEMENT FOR USE IN MATERIAL ANALYSIS for which we have filed an application for Letters Patent in the United States, Application No. 10/825,072, Filed on April 15, 2004;

AND WHEREAS, OptiScan Biomedical Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1105 Atlantic Avenue, Suite 101, Alameda, CA 94501, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

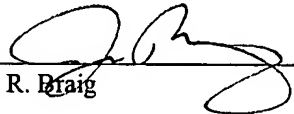
AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

Application No.: 10/825,072  
Filing Date: April 15, 2004

PATENT  
Client Code: OPTIS.089A  
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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of OCT, 2004

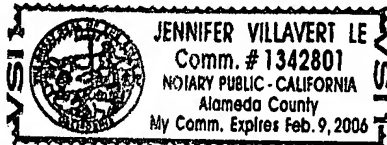
  
James R. Braig

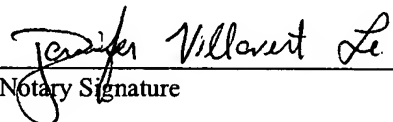
STATE OF California }  
COUNTY OF Alameda } ss.

On Oct. 19, 2004, before me, Jennifer Villavert Le, personally appeared James R. Braig personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

Application No.: 10/825,072  
Filing Date: April 15, 2004

PATENT  
Client Code: OPTIS.089A  
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19<sup>th</sup> day of October, 2004

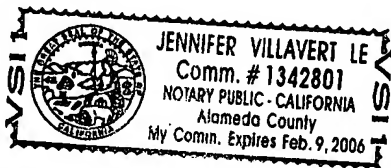
Bernhard B. Sterling  
Bernhard B. Sterling

STATE OF California }  
COUNTY OF Alameda } ss.

On Oct. 19, 2004, before me, Jennifer Villavert Le, personally appeared Bernhard B. Sterling personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Villavert Le  
Notary Signature

Application No.: 10/825,072  
Filing Date: April 15, 2004

PATENT  
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Page 4

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19<sup>th</sup> day of October, 2004

Peter Rule

STATE OF                    }  
COUNTY OF                } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Peter Rule personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

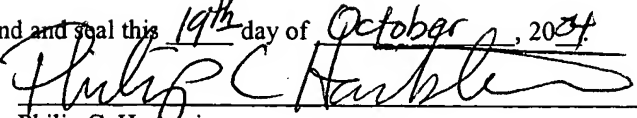
\_\_\_\_\_  
Notary Signature

*Michelle Jacobach*  
subscribing witness 10/19/04

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Filing Date: April 15, 2004

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19<sup>th</sup> day of October, 2004

  
Philip C. Hartstein

STATE OF

COUNTY OF


}  
}  
} ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Philip C. Hartstein personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

  
subscribing witness 10/19/04



IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19<sup>th</sup> day of October, 2004

Ken I. Li  
Ken I. Li

STATE OF                    }  
                                  }  
COUNTY OF                } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Ken I. Li personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

H:\DOCS\MJK\MJK-7606.DOC:ip/080904

*Michelle Taubach*  
subscribing witness 10/19/04

# SUBSCRIBING WITNESS JURAT

State of California

County of Alameda } SS.

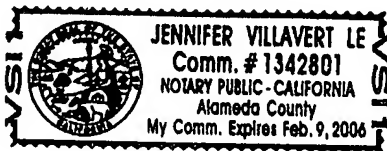
On October 19, 2004, before me, the undersigned, a notary public for the state, personally

appeared Michelle Loubach, personally known to me ~~(or proved to~~  
SUBSCRIBING WITNESS'S NAME

me on the oath of \_\_\_\_\_, who is personally known to me) to  
CREDIBLE WITNESS'S NAME

be the person whose name is subscribed to the within  
instrument, as a witness there to, who, being by me duly  
sworn, ~~deposed and said that he/she was present and~~  
Peter Rule, Philip C. Hartstein,  
saw and Ken I. Li the  
NAME(S) OF PRINCIPAL(S)

same person(s) described in and whose name(s) ~~is/are~~  
subscribed to the within and annexed instrument in  
~~his/her/~~their authorized capacity(ies) as (a) party(ies)  
thereto, execute the same, and that said affiant  
subscribed ~~his/her~~ name to the within instrument as a  
witness at the request of  
Peter Rule, Philip C. Hartstein, and  
Ken I. Li  
NAME(S) OF PRINCIPAL(S)



WITNESS my hand and official seal.

Jennifer Villavert Le  
NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☒ SUBSCRIBING WITNESS  
☐ OTHER: \_\_\_\_\_

ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

OPTISCAN BIOMEDICAL CORP.

### DESCRIPTION OF ATTACHED DOCUMENT

Declaration - USA Patent Application

TITLE OR TYPE OF DOCUMENT

Pages 4-6 of 6

NUMBER OF PAGES

April 15, 2004

DATE OF DOCUMENT

OPTIS 089A

OTHER

RIGHT THUMBPRINT  
OF  
SIGNER

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